REMARKS

The Office Action dated June 17, 2003 has been carefully reviewed. With the cancellation of claims 2-3, 7-8, 12-13 and 17-18, claims 1, 4-6, 9-11, 14-16 and 19-20 are now pending in this patent application. Reconsideration of this patent application, as amended, and in view of the following remarks, is respectfully requested.

I. Rejection of Claims 1-20 Under 35 U.S.C. §101

Claims 1-20 have been rejected by the Examiner under 35 U.S.C. §101 as allegedly directed to non-statutory subject matter. It appears from the 6/17/03 Office Action that the Examiner has rejected claims 1-20 for allegedly not being in the technological arts in that the claims "only recite an abstract idea". With the current amendments to the claims, Applicant respectfully submits that the present invention does not "only recite an abstract idea", and thus *is* within the technological arts. Therefore, the rejection of the claims under §101 is improper.

Initially, claims 2-3, 7-8, 12-13 and 17-18 have been cancelled. Therefore, the rejection of claims 2-3, 7-8, 12-13 and 17- 18 is now rendered moot. Withdrawal of the rejection of claims 2-3, 7-8, 12-13 and 17-18 under §101 is thus respectfully requested.

With regard to the remaining claims 1, 4-6, 9-11, 14-16 and 19-20, independent claims 1 and 6 (and their dependent claims), as amended, are directed to a method of processing a purchase transaction on a retail terminal,

while independent claims 11 and 16 (and their dependent claims), as amended, are directed to a system that processes a purchase transaction that utilizes a retail terminal. These claims are not merely reciting an abstract idea.

Particularly, the method of claim 1 is directed to a method of processing a purchase transaction on a retail terminal. The method includes formatting acquired purchase transaction data by a retail terminal into a digital purchase transaction record. Moreover, the method of claim 1 includes allowing a first party to the purchase transaction to omit selective purchase transaction datum of the acquired purchase transaction data from the digital purchase transaction record via the retail terminal to create a personalized digital purchase transaction receipt, and then forwarding the personalized digital purchase transaction receipt to the first party to the purchase transaction.

The method certainly advances the technological arts with respect to a retail terminal being able to process a purchase transaction and provide a customized digital receipt to a party to the purchase transaction. As such, the method does not "only recite and abstract idea". The retail terminal provides tangible steps in obtaining purchase transaction data during a purchase transaction, formatting the purchase transaction data, and allowing selective omission of certain purchase transaction data from a resulting digital receipt.

Moreover, it is unclear how a human mind or hand (see the 6/17/03 Office Action, page 3) can format purchase transaction data into a digital purchase transaction record, allow a party to the purchase transaction to omit selective purchase transaction datum, and create a personalized *digital* purchase

transaction receipt as presently claimed. Therefore, it is respectfully submitted that the remaining claims are directed to statutory subject matter.

The same reasoning with respect to independent claim 1 and its dependent claims is applicable to independent claim 6 and its dependent claims. Moreover, this same reasoning is applicable to independent system claims 11 and 16 and their respective dependent claims.

In view of the above, Applicant respectfully submits that claims 1, 4-6, 9-11, 14-16 and 19-20 are directed to statutory subject matter. Therefore, Applicant respectfully requests withdrawal of the rejection of claims 1, 4-6, 9-11, 14-16 and 19-20 under §101 and reconsideration thereof.

II. Rejection of Claims 1-20 Under 35 U.S.C. §103(a) (Bowman et al. & PR Newswire)

Claims 1-20 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent No. 6,460,163 issued to Bowman et al. (hereinafter, "Bowman") in view of PR Newswire of June 28, 2000 (hereinafter, "PR"). Initially, claims 2-3, 7-8, 12-13 and 17-18 have been cancelled. Therefore, the rejection of claims 2-3, 7-8, 12-13 and 17- 18 under §103 is now rendered moot. Withdrawal of the rejection of claims 2-3, 7-8, 12-13 and 17-18 is thus respectfully requested. Applicant respectfully submits that remaining claims

Applicant's Invention

In summary, Applicant's invention is a system and method of processing a purchase transaction utilizing a retail terminal. A digital receipt (e-receipt) having various transaction data is generated after a consumer (purchase) transaction by a retail terminal. The retail terminal allows a party to the consumer transaction (typically the consumer of the purchase transaction) to selectively omit certain or selective purchase transaction data from the digital receipt. The retail terminal thus creates a custom or personalized digital receipt from the remaining purchase transaction data. This personalized digital receipt is then forwarded by the retail terminal to a party to the purchase transaction (again, typically the consumer). Forwarding by the retail terminal is accomplished via a network that is in communication with the retail terminal.

Discussion re: Patentability of Claim 1

1. Claim 1

Independent claim 1 reads as follows:

A method of processing a purchase transaction on a retail terminal, comprising the steps of:

acquiring purchase transaction data by the retail terminal as a result of the purchase transaction performed on the retail terminal;

formatting the acquired purchase transaction data into a digital purchase transaction record via the retail terminal;

allowing a first party to the purchase transaction to omit selective purchase transaction datum of the acquired purchase transaction data from the digital purchase transaction record via the retail terminal thereby creating a personalized digital purchase transaction receipt; and

forwarding the personalized digital purchase transaction receipt by the retail terminal over a network that is in communication with the retail terminal to the first party to the purchase transaction.

2 The Combination of Bowman and PR Does Not Teach or Suggest the Limitations of Claim 1

The combination of Bowman and PR does not teach or suggest all of the limitations of independent claim 1. Particularly, neither Bowman or PR, alone or in combination, teaches or suggests a retail terminal that allows a consumer to selectively omit certain purchase transaction datum from purchase transaction data in order to create a custom or personalized digital receipt.

The Examiner indicates that Bowman "does not directly indicate omission of data from a digital receipt, *though it is inferred by the various ways the document may be formatted in include/exclude certain information*" (see 6/17/03 Office Action, page 4). Applicant submits that Bowman does not infer that purchase transaction datum of purchase transaction data may be selectively omitted by a consumer for generation of a custom or personalized digital receipt. Bowman is referring to the electronic format (e.g. HTML, Base64) of the digital content item. Bowman is not referring to the inclusion or exclusion of certain information (content) of a digital receipt.

The Examiner utilizes PR in an attempt to provide a teaching or suggestion to overcome the shortcomings of Bowman. However, while PR may indicate that data may be omitted from a document, PR does not teach or suggest that purchase transaction datum of purchase transaction data may be selectively omitted by a consumer for generation of a custom or personalized digital receipt. Omission of data from a document in order to verify that the

document has not been modified, does not suggest creating a custom digital receipt as does the present invention.

3. Conclusion

Since the combination of Bowman and PR does not teach or suggest the limitations of independent claim 1, a prima facie case of obviousness under 35 U.S.C. § 103 has not been established with regard to the invention of claim 1. Accordingly, withdrawal of the rejection to claim 1 under §103(a) and allowance thereof is hereby respectfully requested.

Discussion re: Patentability of Claims 4-5

Each of claims 4 and 5 include independent claim 1 as a base claim. As a result, each of claims 4 and 5 is allowable for the reasons hereinbefore discussed with regard to claim 1. Moreover, each of claims 4 and 5 include additional limitations not taught or suggested by Bowman and PR. Therefore, each of claims 4 and 5 is further allowable over the cited art.

Discussion re: Patentability of Claim 6

The reasoning regarding the patentability of independent claim 1 is applicable to the patentability of independent claim 6 and is hereby incorporated herein, since independent claim 6 includes the limitation of allowing the omission of selective purchase transaction datum of purchase transaction data for

creating a custom digital receipt. As described above, the combination of Bowman and PR does not teach or suggest this limitation.

Since the combination of Bowman and PR does not teach or suggest the limitations of independent claim 6, a prima facie case of obviousness under 35 U.S.C. § 103 has not been established with regard to the invention of claim 6. Accordingly, withdrawal of the rejection to claim 6 under §103(a) and allowance thereof is hereby respectfully requested.

Discussion re: Patentability of Claims 9-10

Each of claims 9 and 10 include independent claim 6 as a base claim. As a result, each of claims 9 and 10 is allowable for the reasons hereinbefore discussed with regard to claim 6. Moreover, each of claims 9 and 10 include additional limitations not taught or suggested by Bowman and PR. Therefore, each of claims 9 and 10 is further allowable over the cited art.

Discussion re: Patentability of Claim 11

The reasoning regarding the patentability of independent claim 1 is applicable to the patentability of independent claim 11 and is hereby incorporated herein, since independent claim 11 includes the limitation of allowing the omission of selective purchase transaction datum of purchase transaction data for creating a custom digital receipt. As described above, the combination of Bowman and PR does not teach or suggest this limitation.

Since the combination of Bowman and PR does not teach or suggest the limitations of independent claim 11, a prima facie case of obviousness under 35 U.S.C. § 103 has not been established with regard to the invention of claim 11. Accordingly, withdrawal of the rejection to claim 11 under §103(a) and allowance thereof is hereby respectfully requested.

Discussion re: Patentability of Claims 14-15

Each of claims 14 and 15 include independent claim 11 as a base claim. As a result, each of claims 14 and 15 is allowable for the reasons hereinbefore discussed with regard to claim 11. Moreover, each of claims 14 and 15 include additional limitations not taught or suggested by Bowman and PR. Therefore, each of claims 14 and 15 is further allowable over the cited art.

Discussion re: Patentability of Claim 16

The reasoning regarding the patentability of independent claim 1 is applicable to the patentability of independent claim 16 and is hereby incorporated herein, since independent claim 16 includes the limitation of allowing the omission of selective purchase transaction datum of purchase transaction data for creating a custom digital receipt. As described above, the combination of Bowman and PR does not teach or suggest this limitation.

Since the combination of Bowman and PR does not teach or suggest the limitations of independent claim 16, a prima facie case of obviousness under 35 U.S.C. § 103 has not been established with regard to the invention of claim 6.

Accordingly, withdrawal of the rejection to claim 16 under §103(a) and allowance thereof is hereby respectfully requested.

Discussion re: Patentability of Claims 19-20

Each of claims 19 and 20 include independent claim 16 as a base claim. As a result, each of claims 19 and 20 is allowable for the reasons hereinbefore discussed with regard to claim 16. Moreover, each of claims 19 and 20 include additional limitations not taught or suggested by Bowman and PR. Therefore, each of claims 19 and 20 is further allowable over the cited art.

CONCLUSION

In view of the foregoing, it is submitted that this application is in condition for allowance. Therefore, Applicant respectfully requests the withdrawal of the rejections to the claims, and an early allowance thereof.

Respectfully submitted,

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